

Application No.: 10/015,154

Case No.: 57385US002

Remarks

Claims 1-40 are pending. Claims 31-40 have been withdrawn from consideration.
Claims 24-30 have been allowed. Claim 24 has been amended.
Support for the amendment to claim 24 can be found in claim 24 as previously presented.

§ 112 Rejections

Claims 1-23 stand rejected under 35 USC § 112, second paragraph, as purportedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

First, the Patent Office asserts that the language following "wherein" in line 13 of claim 1 is confusing. The Examiner asked if the composition a+d is covered by the claims. (Paper No. 8, ¶ 7.)

In claim 1, a fluoropolymer is selected from one of four described categories (i.e., (a), (b), (c), or (d)). The language after "wherein" at line 13 further specifies the fluoropolymer combinations. One such specificity is that when the first fluoropolymer is selected from (a), the second fluoropolymer is a semi-crystalline fluoropolymer selected from (b) and/or (c). Thus, claim 1 excludes the combination of a + d (i.e., the combination wherein (a) is the major amount and (d) is the minor amount).

Second, the Patent Office asserts that the language used to describe (c) is indefinite, as the Examiner asked if the fluoropolymer of (c) may contain two perfluorinated monomers.

Claim 1 describes (c) as "a fluoropolymer derived from interpolymerized units of at least one partially-fluorinated monomer, and optionally at least one essentially perfluorinated monomer." Therefore, fluoropolymer (c) may contain one or more essentially perfluorinated monomers (e.g., two perfluorinated monomers) in addition to interpolymerized units of at least one partially-fluorinated monomer. However, fluoropolymer (c) could not consist of only interpolymerized units derived from two perfluorinated monomers. (See, also, page 6, lines 8-18.)

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Finally, the Patent Office asked what is "an essentially perfluorinated monomer?" (Paper No. 8, ¶ 7).

As described at page 4, line 23 – page 5, line 10, "essentially perfluorinated monomers" may be perfluorinated monomers or monomers containing non-fluorine substituents. The non-fluorine substituents may be hydrogen or they may be halides (e.g., Cl or Br). Exemplary essentially perfluorinated monomers include hexafluoropropylene, chlorotrifluoroethylene, and perfluorovinyl ethers. In the present application, essentially perfluorinated monomers are distinguishable from partially fluorinated monomers in that partially fluorinated monomers must contain hydrogen substituents. (See, page 6, lines 9-12.)

In summary, Applicants respectfully submit that claims 1-23 fully comply with the requirements of 35 USC § 112, second paragraph and that the rejection should be withdrawn.

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration of the application is requested.

Applicants gratefully acknowledge the Examiner's statement that claims 24-30 are allowable. In addition to claims 24-30, allowance of the other pending claims at an early date is respectfully solicited.

The Examiner is encouraged to contact the Applicants representative at the telephone number provided below to discuss any suggestions believed helpful to further clarify the claims.

Respectfully submitted,

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Date

By: Dean M. Harts
Dean M. Harts, Reg. No.: 47,634
Telephone No.: (651) 737-2325

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833

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